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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,861	03/10/2004	Paul E. Krajewski	GP-303276	3714

7590

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EXAMINER

BONK, TERESA

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,861

Applicant(s)

KRAJEWSKI, PAUL E.

Examiner

Teresa M. Bonk

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is insufficient antecedent basis for the following limitations in claim 1 and 13: “the geometry,” “said forming properties,” “the thickness,” “the one step stamping,” “the straining limit.” Also in claim 4, “if cooling is required” and in claim 13 “if necessary” are both indefinite phrases.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitra (US Patent 6,033,499). Mitra discloses a process for forming age-hardened aluminum alloy sheets having a stamping step, stamping a blank from a magnesium containing, aluminum alloy sheet material into a perform shape; an annealing step, annealing at least a selected portion of the perform for no more than fifteen seconds (“less than 10 seconds,” Column 2, line 43); a cooling step “rapid quenching (e.g. in cold water),” Column 2, lines 41-42); and a stamping step,

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stamping the annealed perform (Refer to claim 1 for a description of the sequence of processes: punch, heat, quench, and punch. Also note in Column 3, lines 15-24, stamping is defined as including deep drawing (punching));

the annealing step restores the temper of the perform stamping to the temper quality of the sheet metal material prior to the perform stamping step (Column 2, lines 1-13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 9, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitra in view of Baumann et al. (US Patent 6,344,096). Mitra substantially discloses the claimed invention except that the magnesium containing, aluminum alloy is of the AA6xxx family instead of the AA5xxx family. Baumann discloses a method of producing aluminum alloy sheets using magnesium containing, aluminum alloy of the AA5xxx family. Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to use the substitute the AA5xxx for the AA6xxx because as the teaching reference states in Column 2, lines 37-41 and lines 51-52, both series of alloys can be used for automotive parts.

5. Claims 2, 4, 6, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitra in view of Futamura et al. (6,003,359). Mitra substantially discloses the claimed invention except for the stamping/annealing/stamping sequence to be a continuous process sequence of substantially equal duration. Futamura et al. discloses a progressive deep-drawing machine with an intermediate annealing treatment (11) that is carried out continuously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mitra's stamping/annealing/stamping sequence to be a continuous process sequence of substantially equal duration because it is known in the art to have these types of metal deforming operations conducted in a continuous manner (Column 4, lines 25-34).

6. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitra as applied to claims 2, 4, 6 and 8 above, and further in view of Baumann. Mitra substantially discloses the claimed invention except that the magnesium containing, aluminum alloy is of the AA6xxx family instead of the AA5xxx family. Baumann discloses a method of producing aluminum alloy sheets using magnesium containing, aluminum alloy of the AA5xxx family. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the substitute the AA5xxx for the AA6xxx because as the teaching reference

states in Column 2, lines 37-41 and lines 51-52, both series of alloys can be used for automotive parts.

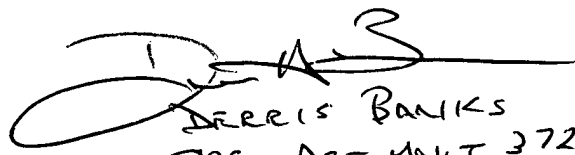
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901. The examiner can normally be reached on M-F 7:30AM - 5PM with alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-9900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Teresa M. Bonk
Examiner
Art Unit 3725


DERRIS BANKS
SPE, ART UNIT 3725